

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4020-06  
Bill No.: Perfected HS for HCS for HBs 1577, 1760, 1433, 1430, 1029 & 1700  
Subject: Omnibus Crime Bill  
Type: Original  
Date: April 25, 2002

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
General Revenue	(\$1,107,629 to Unknown)	(\$459,664 to Unknown)	(\$469,556 to Unknown)
State School Money*	\$0	\$0	\$0
Crime Victims' Compensation	\$0 to (\$388,222)	\$0 to (\$465,867)	\$0 to (\$465,867)
Highway	(\$977,876)	(\$1,055,749)	(\$1,056,408)
Federal Alcohol Program Grant	(\$933,000)	(\$933,000)	(\$933,000)
Road	(\$30,320,500)	(\$60,892,000)	(\$92,725,000)
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$33,727,227 to Unknown)</b>	<b>(\$63,806,280 to Unknown)</b>	<b>(\$65,649,831 to Unknown)</b>

\*Offsetting Transfer in and Costs of \$0 to Unknown

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2003</b>	<b>FY 2004</b>	<b>FY 2005</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 27 pages.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>(Unknown) to Unknown</b>	<b>(Unknown) to Unknown</b>	<b>(Unknown) to Unknown</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Department of Public Safety – Capitol Police, – Division of Fire Safety, – Missouri State Water Patrol, Department of Natural Resources, Department of Economic Development – Division of Professional Registration, Office of Administration – Division of Purchasing and Materials Management, Department of Agriculture, Department of Health and Senior Services**, and the **Office of the Governor** assume the proposed legislation would have no fiscal impact on their agencies.

#### County Crime Reduction Fund (§§50.550 and 50.555)

Officials from the **Office of State Courts Administrator (CTS)** assume legislation would authorize county commissions to create local crime reduction funds and authorize courts to require misdemeanor defendants to pay into the local funds amounts up to \$1,000 as part of a restorative justice program.

The proposal does not specify who would be responsible for receiving and accounting for what would in most cases be installment payments. Since the sheriff and prosecutor would be the beneficiaries of the fund, CTS will assume they would provide these services through local funds, and state-paid court clerks would not be required to do this. If this assumption is valid, there would be no appreciable state cost. However, if the court clerks are required to provide this service, there would be a state cost in direct proportion to the volume of transactions.

Traffic cases are technically misdemeanors, and if as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the crime reduction fund, the potential volume could be in the hundreds of thousands of cases.

If cases that would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentence, it is likely to result in the loss of revenue from fines to the schools, crime victims' compensation, law enforcement training, and other earmarked funds.

CTS cannot predict what changes in the practice of law and the exercise of prosecutorial discretion may result from the passage of the proposal.

ASSUMPTION (continued)

**Oversight** assumes the fiscal impact of Section 50.555 would depend upon several factors: 1) The County Commission would need to establish the Crime Reduction Fund, as allowed by this proposal, and 2) The amount of fiscal impact would depend on the number of cases the Court would suspend and require payment into the Crime Reduction Fund. Oversight assumes that to the extent there is a reduction in fines on the local level, schools would receive more money in state aid due to the school aid formula. Therefore, the loss of fine revenues would be subsidized by the State's General Revenue Fund.

Suspension of a Student (§§167.161 & 167.171)

Officials from the **Department of Social Services - Division of Youth Services (DYS)** indicated that the impact of this legislation on DYS is difficult to estimate. In 1999, there were approximately 9,500 youth statewide referred to juvenile court for having committed a felony. If school districts exercise their right, under this proposal, to suspend all youth alleged, indicted, convicted, or adjudicated for having committed a felony, the risk of committing larger numbers of youth to DYS increase. Under this provision, youth who have committed, or alleged to have committed, felonies may not be permitted to return to school even after court intervention and/or a course of treatment. The expense of providing these youth with an option of alternative education programming in community care and/or aftercare would be increased.

DYS is unable to estimate the fiscal impact of this bill because of the uncertainty of how public school districts will exercise their option of suspending youth alleged or adjudicated for felony offenses. The number of youth who would be impacted cannot be estimated and DYS is unable to estimate the duration of the suspensions impacted by the school districts; therefore, the fiscal impact of this proposal is unknown.

Probation and Parole Reimbursement (§§217.720 & 217.722)

Officials from the **Office of Administration – Commissioner's Office** assume reimbursement for probation and parole violations is provided in Section 221.105.3. The state is currently reimbursing counties for these violations.

Officials from the **Department of Corrections (DOC)** assume the proposal would result in a very large unknown cost to their department. The proposal would require additional trips within a short time frame to transport violators. It usually takes longer than 10 days for the Board of Probation and Parole to receive a report and make a determination on the parole violator, whether

or not they are being revoked. This proposal would not allow time for preliminary hearings, police reports, investigations, etc. DOC anticipates the need for additional staff. This would overload diagnostic centers, which are already overcrowded. Now 25 – 33% of probationers that are brought in are returned to the community without being revoked.

ASSUMPTION (continued)

Currently the DOC hold probationers without a court commitment order. The DOC probably would not have the order within 10 days. The requirement that the preliminary hearing be held within 14 days would not allow time to conduct investigations, bring in witnesses, etc. The DOC would require additional staff to implement.

Reduction of Fines and Court Costs from Traffic Violations (§302.341)

Officials from the **Office of State Courts Administrator (CTS)** assume the proposal would reduce from 45% to 35% the amount of fines and court costs from traffic violations on state highways that a village or city must send to the Department of Revenue. Since CTS has no way of knowing how many municipalities generate excess revenue from these fines, CTS cannot provide an estimate of the legislation's fiscal impact.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this bill. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the Department of Revenue to distribute to schools. Any increase in this money distributed to schools becomes a deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula with a proration factor of 1.00.

Officials from the **Department of Revenue (DOR)** assume the proposal will require the DOR to promulgate a rule that sets forth the time limit within which a city, town or village must submit excess revenues, more than 35%, to DOR. The proposal provides that the city, town or village shall submit to an annual audit by the state auditor if the money is not timely submitted. DOR has to annually distribute the excess money submitted to the schools in the county. This component can be implemented with existing resources.

ASSUMPTION (continued)

Right-of-Way (§304.351)

Officials from the **Office of State Courts Administrator (CTS)** assume the proposal would amend the right-of-way statute by imposing additional fines and license suspensions when the violation resulted in physical injury, serious physical injury, or death to any person. All proceeds of the fines are to go to the motorcycle safety trust fund. Because of the increased penalties, CTS assumes some cases may become protracted. CTS would not expect, however, that the total number of cases would be great enough to impact the budget of the judiciary.

Officials from the **Department of Revenue (DOR)** assume the proposal creates a new thirty-day, ninety-day, and six-month suspension type. The Driver and Vehicle Services Bureau and the Information Technology Bureau must develop new codes, suspension types, suspension evaluation routines, notices of loss, and modify inquiry screens for the Missouri Drivers License System (MODL) to accommodate convictions for this legislation. DOR estimates the total cost of programming be \$33,644 (1,584 hours of overtime MODL programming x \$21.24/hour). This cost will impact FY 03.

DOR estimates this legislation will produce an estimated 20,442 suspensions per year. This figure is based on state, municipal, and county convictions for failure to yield right-of-way, and careless and imprudent driving from fiscal year 2001. DOR estimates 85 "Orders of Suspension" per day. This will require approximately 14 hours per day to set up these suspensions. 14 hours = 1.77 FTE Clerk Typists II, each at \$19,764 per year, plus fringe benefits and equipment.

DOR estimates the legislation to generate one phone call per action. This will require approximately 7 hours each day to handle the incoming telephone calls. 7 hours = .85 of an FTE. This will require one Telephone Information Operator I at \$21,192 per year, plus fringe benefits and equipment.

The DOR estimates that 50 percent of these actions will generate correspondence. This will require approximately 11 hours each day to handle the incoming correspondence. 11 hours = 1.33 FTE This will require .75 of a Clerk Typist II, each at \$19,764 per year, plus fringe benefits and equipment.

The DOR assumes postage will be required for the additional suspension notices and correspondence. DOR estimates the postage costs to be \$10,447 in FY 03, \$13,188 in FY 04, and \$13,847 in FY 05.

The DOR assumes there will be no reinstatement fees on these suspensions, resulting in no revenue impact.

ASSUMPTION (continued)

In summary, the total fiscal impact of this component to the DOR is estimated to be \$159,316 in FY 03, \$127,307 in FY 04, and \$127,966 in FY 05.

Transportation of Hazardous Materials (§304.370)

Officials from the **Department of Transportation (MoDOT)** assume the Manual on Uniform Traffic Control Devices (MUTCD) has a standard sign to be used when hazardous cargo is prohibited. The sign would be 2 feet by 2 feet in size and mounted on a wood post. The estimated cost to install one sign would be \$250. Two signs would be installed, one on each side of the tunnel, for a total cost of \$500. Signing for other routes where hazardous cargo is prohibited cannot be estimated since there are no routes currently designated.

Stolen Dog Registry (§§570.033 & 570.035)

Officials from the **Department of Public Safety – Director’s Office (DPS)** assume they will be required to maintain the stolen dog registry with on-line registration. Therefore, DPS will need the advice of a consultant in the development of the program to add to the website. The DPS assumes they would require 1 FTE Program Specialist (at \$40,716 per year) to be responsible for administration and supervision of the program, 1 FTE Computer Information Technologist (at \$51,252 per year) to assist a consultant in developing a registry program and registration applications online and to maintain the program after it is developed, 1 FTE Accountant I (at \$30,204 per year) to track and monitor receipt of registration fees, and 1 FTE Clerk Typist III (at \$23,184 per year) to provide clerical support for the program. DPS estimates the total cost of the proposal to be \$358,534 in FY 03; \$259,988 in FY 04; and \$275,108 in FY 05.

**Oversight** assumes DPS currently maintains an Internet site and would not require the Computer Information Technologist position to assist the consultant in developing the registry program and registration applications online and to maintain the program after it is developed; nor would DPS require consulting expenses to develop programming for the registry. In addition, Oversight assumes DPS would not require the Accountant position to track and monitor the receipt of registration fees. Oversight assumes DPS will charge a registration fee, as provided by this proposal, that does not substantially exceed the cost of the program. Oversight assumes the FTE would be housed within existing facilities. Therefore, no rental, renovation, or janitorial expense would be incurred.

ASSUMPTION (continued)

Expungement of Administrative Alcohol Actions from Driving Record (§577.054)

Officials from the **Department of Revenue (DOR)** assume the proposal would allow administrative alcohol actions to be expunged from a driving record in the same manner as an expungement of an alcohol conviction as provided in Section 577.054.1. This will impact the director's ability to evaluate the complete driving record for purposes of granting limited driving privileges. This amendment has compliance implications relating to the federal Motor Carrier Safety Improvement Act of 1999 (H.R. 3419). Pursuant to this act, all alcohol related traffic offenses committed by someone with a commercial driver license, whether committed in the commercial vehicle or not, have to be permanently retained. Pursuant to section 302.700 RSMo, final administrative adjudications are considered convictions for purposes of commercial drivers and should be retained permanently. This amendment would place the State of Missouri in jeopardy of federal funds being withheld due to noncompliance with this act.

Officials from the **Department of Transportation (MoDOT)** assume this component of the proposal would require the Department of Revenue to expunge all records relating to a first-alcohol related traffic offense. Title 49 U.S.C.A. 31311(a)(19) requires states to maintain a record of every traffic violation (except parking violations) of a commercial motor vehicle operator and that these offenses can not be masked in any way. If this legislation is enacted, in the first full fiscal year of violation, USDOT shall withhold 5 percent of a state's apportionments under NHS, STP and IM federal construction funds. If the violation continues, the penalty is increased to 10 percent of these categories of funds for each fiscal year a state is in noncompliance.

Passing Bad Check/Check Handling Costs (§570.120)

Officials from the **Office of Prosecution Services** assume the proposed legislation would have an unknown impact on prosecutors in that it would mandate they collect merchant fees. While some prosecutors collect this fee, others do not. As this would mandate collection of the merchant fee, it would increase the caseload of prosecutors who do not currently collect the fee.

Ignition Interlock (§577.600)

Officials from the **Office of State Courts Administrator** assume the proposal would make ignition interlock optional instead of mandatory, and prohibit the Department of Revenue from suspending or revoking the driving license of anyone who has been ordered to use the device. While this would amount to a significant policy change, there would be no fiscal impact on the judiciary.

ASSUMPTION (continued)

Officials from the **Department of Revenue (DOR)** assume the legislation would require programming by the Information Technology Bureau to modify the ignition interlock routines in MODL. Because of the complexity of this system, DOR projects that to analyze, design, program, and test the new ignition interlock routines, it will take existing staff at least six months to one year. DOR estimates the fiscal impact in FY 03 to be \$44,859 total MODL programming costs (2112 hours of MODL programming x \$21.24/hour overtime rate for MODL programming).

This legislation would also result in a loss of revenue from the reinstatement requirements and alcohol fees of those cases where the DOR could no longer suspend or revoke due to the ignition interlock requirement.

DOR estimates that the amount lost in revenue would be \$1,237,923 in reinstatement fees and alcohol fees per year. This figure was obtained by adding the total number of alcohol suspensions/revocations, chemical revocations, abuse and lose suspensions/revocations, and 1<sup>st</sup> alcohol related point suspension that were reinstated within the last three years.

\$1,480,420	Total Amount of Suspensions/Revocations Reinstated for 3 Fiscal Years with a \$20.00 Fee
/ <u>3</u>	Three Years
\$493,403	Average Annual Collection of \$20.00 Reinstatement Fees
\$2,233,350	Total Amount of Suspensions/Revocations Reinstated with a \$25.00 Alcohol Fee
/ <u>3</u>	Three Years
\$744,450	Average Annual Collection of \$25.00 Alcohol Fees
\$493,473	Amount of \$20.00 Reinstatement Fees for Each Year
<u>+744,450</u>	Amount of \$25.00 Alcohol Fees for Each Year
\$1,237,923	Total Amount of Revenue Lost

FY 03

(\$773,701)	Highway Funds Loss
(\$154,740)	City Funds Loss
(\$103,160)	County Funds Loss

FY 04 and FY 05

(\$928,442)	Highway Funds Loss
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(\$185,689) City Funds Loss  
(\$123,792) County Funds Loss

ASSUMPTION (continued)

In order to qualify for \$933,300 in federal grants for state alcohol programs, Missouri must meet five of seven qualifying criteria established by the U.S. Secretary of Transportation. Missouri currently meets the minimum (5) of these criteria. These qualifying criteria include the requirement of imposing minimum driver license withdrawal sanctions on DWI offenders. This amendment would allow a court to order the use of an ignition interlock device in lieu of driver license withdrawal sanctions. This will result in Missouri not meeting one of the five criteria that we are currently meeting. This noncompliant issue will result in Missouri meeting only four of the seven criteria and a loss of the \$933,300 grant for alcohol programs. The proposal would allow courts to “mask” certain alcohol offenses of commercial drivers. This masking is strictly prohibited under the federal guidelines. Substantial federal highway funds would be subject to nonattainment or subject to being transferred from road construction use.

Officials from the **Department of Public Safety – Division of Highway Safety (DHS)** assume Section 164 of the federal Transportation Equity Acts for the 21<sup>st</sup> Century (TEA-21) requires that a state pass and enforce a conforming Repeat Intoxicated Drivers law or become subject to transfer of 3% of the state’s federal transportation apportionment (MoDOT highway construction funding). That funding is transferred to the state’s Section 402 Highway Safety Program for alcohol-impaired driving countermeasures or hazard elimination projects. For federal fiscal year 2003 (beginning 10/1/02), that would amount to \$10,445,394. In federal fiscal year 2004 (beginning 10/1/03), the transfer would again be \$10,445,394. Since TEA-21 is only through FY 04, implications beyond that point are unknown.

Officials from the **Department of Transportation (MoDOT)** assume this component of the proposal would authorize, but not mandate that a court impose an ignition interlock device after a second or subsequent intoxication-related traffic offense. Further, DOR would be prohibited from suspending or revoking the drivers license of person who is mandated by the court to install an ignition interlock device. These two changes would violate federal law that requires states to enact repeat offender laws. Failure of a state to enact a repeat offender law is the transfer of 3 percent of its NHS, STP and IM federal highway construction funds to safety programs. These programs can be administered by either MoDOT (hazard elimination projects pursuant to Section 152 of Title 23 of USC) or Division of Highway Safety (Title 23, Section 404 projects - drunk driving enforcement).

ASSUMPTION (continued)

For FY02, the federal aid (in millions) for the highway programs is as follows: NHS \$135.8; IM \$130.7; STP \$175.1. Assuming a 3 percent growth, the total federal aid for each highway program is as follows: FY03 - NHS \$139.9; IM \$134.6; and STP \$180.3, FY04 - NHS \$144.1; IM \$138.6; and \$185.7 and FY05 - NHS \$148.4; IM \$142.8; and STP \$191.3. Eight percent (5% for repeat offender law and 3% for expunging of records) of the total funds for each program in FY 03 will be transferred from the State Road Funds, therefore the fiscal impact for FY03 is as follows: NHS \$11.2; IM \$10.8; STP \$14.4. Thirteen percent (10% for repeat offender law and 3% for expunging of records) of the total funds for each program in each remaining FY will be transferred from the State Road Funds, therefore the fiscal impact is as follows: FY04 - NHS \$18.7; IM \$18.0; STP \$24.1 and FY05 - NHS \$19.3; IM \$18.6; STP \$24.9.

Crime Victim Compensation (§§595.010, 595.020, & 595.030)

Officials from the **Department of Labor and Industrial Relations – Division of Worker’s Compensation (DWC)** state that, essentially, this legislation attempts to make four substantive changes to the Crime Victims' Compensation statutes. First, this proposal states that a claimant is not required to reside with the victim to be eligible for compensation. Second, it eliminates the requirement that a claimant miss two consecutive weeks of work before being eligible for loss of earnings or support. Third, this legislation increases the maximum award amount from \$200 per week to \$400 per week for loss of earnings and support. Finally, it increases from \$5,000 to \$7,500 the amount available for burial expenses.

DWC does not believe that there will be any fiscal impact relating to the provision regarding victim residency since this merely clarifies existing statute. In loss of earnings and support cases, the DWC has no method to determine the number of potential cases where victims request lost wages in instances where they were absent from work for less than two weeks. However, this changes is not expected to have a significant financial impact on the fund. During the last three fiscal years, the maximum benefit was paid in 672 cases for a total of 5,788 weeks for a total of \$1,157,600 (5,788 weeks x \$200) in payment for loss of earnings and support. If the ceiling was raised from \$200 to \$400, the total amount would double to \$2,315,200 (5,788 x \$400) for an additional cost to the fund of \$1,157,600 (\$2,315,200 - \$1,157,600) for three years, or \$385,867 annually. For funeral benefits, the DWC awarded the maximum amount compensable in 64 claims over the last three years for a total payout of \$320,000 (64 x \$5,000). By increasing the award amount available for funeral and burial expenses by \$2,500, DWC believes that an additional \$160,000 (64 x (\$7,500 - \$5,000)) would have been awarded for a three year period, or an additional \$80,000 annually.

In total, DWC estimates a cost to the Crime Victims’ Compensation Fund of roughly \$465,867 (\$385,867 + \$80,000) per year.

ASSUMPTION (continued)

**Oversight** assumes with the increased ceilings, it is likely that some recipients will not receive the new maximum payment amounts. Rather, some of the awards will fall between the previous and the new ceilings. Therefore, Oversight has ranged the fiscal impact from \$0 to (\$465,867) per year, with the actual fiscal impact falling somewhere in between. Truly Agreed to and Finally Passed Senate Bill 267 from the 2001 session raised the overall ceiling a victim may receive under this section from \$15,000 to \$25,000, however, Oversight assumes many victims receiving the maximum per week award or the maximum death benefit will fall under the existing \$25,000 cap.

DNA Profiling System/DNA Sample for Certain Offenses (§§650.050 and 650.055)

Officials from the **Office of Prosecution Services** deferred to local prosecutors. The **Jackson County Prosecuting Attorney's Office** assumes the impact on prosecutors would be negligible as it would take years to get the DNA profiling system up and running.

Officials from the **Office of State Public Defender (SPD)** stated in Fiscal Year 2001, the State Public Defender provided representation in 76,786 cases. 1/3 of all crimes committed in Missouri remain unsolved. Assuming the same percent of persons would require Public Defender representation, if all crimes had been charged, the State Public Defender System would have had an additional 25,592 cases. Further assuming that DNA sampling would result in 20% of the uncharged cases now being charged, the State Public Defender caseload would increase by 5,118 cases. Using the same percentage caseload breakdown as last fiscal year, the following represents the number of felonies, misdemeanors, juvenile cases, and probation violations for which the public defender would be responsible for representation:

A – B Felony	8.739% or	447	additional cases
C – D Felony	31.141% or	1,597	additional cases
Misdemeanor	30.483% or	1,560	additional cases
Juvenile	5.967% or	305	additional cases
Probation Violations	23.545% or	<u>1,205</u>	additional cases
Total additional cases		5,114	

These additional cases will require 15 FTE Assistant Public Defenders (each at \$35,328 per year, plus fringe benefits, equipment and expenses), 5 FTE Paralegal Investigators (each at \$24,132 per year, plus fringe benefits, equipment and expenses), and 3 FTE Secretaries (each at \$19,764 per year, plus fringe benefits, equipment and expenses). The SPD estimates the cost of the proposal to be \$1,057,236 for 10 months of FY 03, \$1,151,906 for FY 04, and \$1,181,391 for FY 05.

ASSUMPTION (continued)

**Oversight** assumes that the number of cases generated from the DNA profiling system and DNA sampling for certain offenses would be small. Therefore, Oversight assumes the Office of State Public Defender could absorb the cost of defending the indigent accused within existing resources.

Officials from the **Department of Public Safety – State Highway Patrol (MHP)** assume their Criminal Laboratory Division would require an additional FTE as a result of the proposed legislation. The FTE would be a Laboratory Evidence Technician (at \$21,720 per year plus fringe benefits, equipment and expense) and job responsibilities would be to track all Missouri felony convictions as defined by the database statute; schedule with the Department of Corrections and Probation and Parole officers to collect required offenders; travel throughout the state to collect required offenders; log in and inventory samples in the computer; maintain all paperwork/documentation for samples; retrieves samples required for DNA analysis; and perform other duties as assigned. The FTE would require standard office equipment, plus lab coats and hepatitis B shots.

In addition to the FTE, the Lab would also require hardware, software and equipment for DNA PCR technologies compatible with the FBI's national program, supplies and kits for collection and DNA analysis of felony convictions, proficiency and continuing education as mandated by the FBI QA Standards, and maintenance agreements for two 3100 Genetic Analyzers. In the first year, there would be approximately 36,000 felony convictions analyzed. Following the first year, there would be an anticipated 3,600 new individuals per year that would need DNA analysis.

Cost of computer hardware/software and equipment for DNA PCR technologies compatible with the FBI's national program	\$300,607 (one-time)
Supplies/kits for collection & DNA analysis of felony conviction (36,000*\$23)	\$828,000
Supplies/kits for collection & DNA analysis of misdemeanor convictions	Unknown
Funding for proficiency tests and continuing education	\$17,917(21,500*10/12)*
Maintenance agreement for two 3100 Genetic Analyzers (1 year agreement)	\$12,000(14,400*10/12)*
FTE Equipment and expenses	\$4,352
<b>Total Start-Up Costs</b>	<b>\$1,162,876</b>

\*The costs listed for continuing education and the maintenance agreements are calculated for 10 months, rather than a full year.

ASSUMPTION (continued)

Supplies/kits for collection & DNA analysis offelony convictions (3,600*\$23)	\$85,284*
Supplies/kits for collection & DNA analysis of misdemeanor convictions	Unknown
Funding for proficiency tests and continuing education	\$22,145*
Maintenance agreement for two 3100 Genetic Analyzers (1 year agreement)	\$14,832*
FTE Supplies/Phone charges	\$649*
<b>Total recurring Costs (not including salary)</b>	<b>\$122,910</b>

\*The above recurring costs were calculated using a 3% inflationary factor.

Since the MHP can determine an accurate number of felony convictions, but are unable to determine an accurate number of misdemeanor convictions that would need to be analyzed as a result of the legislation, MHP's estimated fiscal impact will be a range. The range will start at the dollar amount we can determine at this point (\$1,189,548 in FY03, \$70,432 in FY04 and \$72,697 in FY05) and will end at an unknown dollar amount.

**Oversight** assumes the proposal would require DNA testing for additional offenses, expanding the DNA database. The Department of Corrections provided statistics regarding persons remaining in prison and remaining under supervision by the Division of Probation and Parole who pled guilty or were convicted of those additional offenses for which DNA samples are not currently required (total 24,695). The Department of Corrections also provided the FY 01 number of new prison admissions and probation openings for those same additional offenses (total 8,163). Based on the data received from the Department of Corrections, Oversight assumes the Missouri State Highway Patrol (MHP) would perform DNA testing on approximately 25,000 persons who have been incarcerated or under supervision by probation and parole since August 28, 1996. Oversight further assumes that the MHP would perform DNA testing on approximately 8,000 new offenders annually.

Appeal of Court's Finding (Section 7)

Officials from the **Office of State Courts Administrator (CTS)** assume the proposal has the potential to significantly increase the number of appeals filed in the courts. However, because of the time constraints under which this fiscal note is being prepared, CTS is unable to quantify that increase at this time. Any significant increase in workload from this provision will be reflected in future budget requests.

Officials from the **Office of Attorney General** assume the proposal would have a cost of an unknown amount to their agency because it allows for additional appeals in cases involving drivers without valid licenses.

ASSUMPTION (continued)

**Oversight** assumes the AGO could experience an increase in case load due to the proposed legislation. Oversight assumes the AGO could absorb the cost of the increased case load within existing resources. If the AGO experiences an increase that would justify additional FTE, the AGO could request funding through the appropriation process.

Officials from the **Department of Revenue (DOR)** assume this component allows an individual who receives a suspended imposition of sentence on a plea of guilty for the offense of driving without an operator's license to file an appeal of such plea within 30 days of the effective date of this amendment. The department assumes that there will be orders issued from Missouri courts to remove convictions from driving records based on this component. The department is unable to estimate the number of such convictions, but it is assumed that the department can implement this requirement with existing resources.

Miscellaneous New Crimes/Crime Enhancements

Officials from the **Office of State Courts Administrator (CTS)** assume the bill contains many additional new crimes. Of and by themselves, these new crimes will not cause an increase in the workload of the courts; however, altogether there may be a significant increase in workload, but CTS cannot quantify that increase at this time. A significant increase in workload will be addressed in future budget requests. CTS assumes that some cases may be prolonged due to the increase in penalties.

In response to similar proposals, officials from the **Office of State Public Defender** assume existing staff could provide representation for those cases arising where indigent persons were charged with the crimes created or requiring enhanced penalties: tampering with pharmaceuticals or knowingly adulterating a drug; assault on the property of a hospital emergency room or a trauma center; revising the stealing limits or revising the limits on receiving stolen property; hate crimes via arson; enhanced penalties for the crime of invasion of privacy; amended crimes of resisting arrest or interfering with a stop or detention to include eluding law enforcement. However, passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request the increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the creation of many of the offenses outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

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ASSUMPTION (continued)

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY 01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC is unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through incarceration or probation would result in additional costs and although the exact fiscal impact is unknown, it is estimated that potential costs will be significant or in excess of \$100,000 per year.

Officials from the **Office of Secretary of State (SOS)** assume the proposal creates the County Crime Reduction Fund and amends numerous crimes. The Department of Public Safety and Division of Professional Registration may adopt rules to implement the provisions of this act. These rules will be published in the *Missouri Register* and the *Code of State Regulations*. Based on experience with other divisions, the rules, regulations, and forms issued by the Department of Public Safety and Division of Professional Registration could require as many as 38 pages in the *Code of State Regulations* and half again as many pages in the *Missouri Register*, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the *Missouri Register* is \$23 and the estimated cost of a page in the *Code of State Regulations* is \$27. Based on these costs, the estimated cost of the proposal is \$2,337 in FY 03 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded, or withdrawn.

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>GENERAL REVENUE FUND</b>			
<u>Costs</u> – Department of Corrections Incarceration/Probation costs	More than (\$100,000)	More than (\$100,000)	More than (\$100,000)
<u>Costs</u> – Department of Social Services (\$167.161) Youth program costs	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – Department of Public Safety (\$570.033) Personal Service (2 FTE) Fringe Benefits Equipment and Expense <u>Total Costs</u> – DPS	(\$54,581) (\$18,612) <u>(\$21,545)</u> (\$94,738)	(\$67,135) (\$22,893) <u>(\$9,375)</u> (\$99,403)	(\$68,813) (\$23,465) <u>(\$9,375)</u> (\$101,653)
<u>Costs</u> – State Highway Patrol (\$650.050) Personal Service (1 FTE) Fringe Benefits Equipment and Expense <u>Total Costs</u> – MHP	(\$18,553) (\$8,119) <u>(\$886,219)</u> (\$912,891)	(\$22,820) (\$9,986) <u>(\$227,455)</u> (\$260,261)	(\$23,390) (\$10,235) <u>(\$234,278)</u> (\$267,903)
<u>Transfer out</u> – to State School Money Fund (§§50.555 & 302.341)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b>(\$1,107,629 to <u>Unknown</u>)</b>	<b>(\$459,664 to <u>Unknown</u>)</b>	<b>(\$469,556 to <u>Unknown</u>)</b>
<b>STATE SCHOOL MONEY FUND</b>			
<u>Transfer in</u> – from General Revenue Fund (\$§50.555 & 302.341)	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – transfer to local school districts (\$§50.555 & 302.341)	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>	\$0 to <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON STATE SCHOOL MONEY FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
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**CRIME VICTIMS'  
 COMPENSATION FUND**

<u>Costs</u> - Division of Workers' Comp. Increased claim amounts (\$595.010)	<u>\$0 to (\$388,222)</u>	<u>\$0 to (\$465,867)</u>	<u>\$0 to (\$465,867)</u>
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**ESTIMATED NET EFFECT ON  
 CRIME VICTIMS'  
 COMPENSATION FUND**

<u>\$0 to</u> <u>(\$388,222)</u>	<u>\$0 to</u> <u>(\$465,867)</u>	<u>\$0 to</u> <u>(\$465,867)</u>
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**HIGHWAY FUNDS**

<u>Loss</u> – Department of Revenue Lost Revenue from Fees (\$577.600)	(\$773,701)	(\$928,442)	(\$928,442)
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Costs – Department of Revenue  
 (\$304.351)

Personal Service (4 FTE)	(\$69,590)	(\$83,904)	(\$83,904)
Personal Service (Overtime)	(\$33,644)	\$0	\$0
Personal Service (Overtime) (577.600)	(\$44,859)	\$0	\$0
Fringe Benefits	(\$25,059)	(\$30,215)	(\$30,215)
Equipment and Expense	(\$31,023)	(\$13,188)	(\$13,847)
<u>Total Costs</u> – Department of Revenue	<u>(\$204,175)</u>	<u>(\$127,307)</u>	<u>(\$127,966)</u>

<b>ESTIMATED NET EFFECT ON HIGHWAY FUNDS</b>	<u><b>(\$977,876)</b></u>	<u><b>(\$1,055,749)</b></u>	<u><b>(\$1,056,408)</b></u>
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**FEDERAL ALCOHOL PROGRAM  
 GRANT**

<u>Loss</u> – Department of Revenue (577.600)	(\$933,000)	(\$933,000)	(\$933,000)
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<b>ESTIMATED NET EFFECT ON FEDERAL ALCOHOL PROGRAM GRANT</b>	<u><b>(\$933,000)</b></u>	<u><b>(\$933,000)</b></u>	<u><b>(\$933,000)</b></u>
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<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>ROAD FUND</b>			
<u>Costs</u> – Department of Transportation			
Hazardous Material Sign (§304.370)	(\$500)	\$0	\$0
<u>Loss</u> – Department of Transportation (\$577.600)			
National highway Systems	(\$9,326,667)	(\$18,733,000)	(\$19,292,000)
Interstate Maintenance	(\$8,973,333)	(\$18,018,000)	(\$18,564,000)
Surface Transportation Program	<u>(\$12,020,000)</u>	<u>(\$24,141,000)</u>	<u>(\$24,869,000)</u>
<u>Total Loss</u> – MoDOT	<u>(\$30,320,000)</u>	<u>(\$60,892,000)</u>	<u>(\$62,725,000)</u>
<b>ESTIMATED NET EFFECT ON ROAD FUND</b>	<b><u>(\$30,320,500)</u></b>	<b><u>(\$60,892,000)</u></b>	<b><u>(\$62,725,000)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>SCHOOL DISTRICTS</b>			
<u>Income</u> – to Certain School Districts (\$§50.555 & 302.341)			
From State's School Aid Formula	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Loss</u> – to Certain School Districts (\$§50.555 & 302.341)			
from reduction in fines	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON SCHOOL DISTRICTS</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
<b>LOCAL GOVERNMENTS</b>			
<u>Increased Revenues</u> – to local Crime Reduction Fund (§50.555)	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – Increased costs to prosecutors (§570.120)	(Unknown)	(Unknown)	(Unknown)
<u>Loss</u> – City Funds	(\$154,740)	(\$185,689)	(\$185,698)
<u>Loss</u> – County Funds	(\$103,160)	(\$123,792)	(\$123,792)
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS</b>	<b>(Unknown) to <u>Unknown</u></b>	<b>(Unknown) to <u>Unknown</u></b>	<b>(Unknown) to <u>Unknown</u></b>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

The proposed legislation contains numerous provisions including:

1. Establishes the County Crime Reduction Fund (§§50.550 & 50.555);
2. Requires itinerant vendors and peddlers to make available, within 72 hours upon request from any law enforcement officer, proof of purchase of any new or unused property. Production of a forged receipt would be forgery, a class C felony (§150.465);
3. Current law permits a school board to suspend a pupil after notice and a hearing when the pupil has been charged with, convicted of, or pled guilty to a felony criminal violation. This proposed legislation clarifies that the pupil must have been convicted of a state or federal felony criminal violation; that an indictment has been filed alleging the pupil has committed such a violation for which there has been no final judgment; or a petition has been filed that the pupil committed an act or the pupil has been adjudicated to have committed an act which, if committed by an adult, would be a felony criminal violation (§167.161) (HA19);

DESCRIPTION (continued)

4. Current law requires that a pupil who has been convicted of, or who is alleged under specified circumstances to have committed, certain acts must not be readmitted to school. This proposed legislation replaces forcible rape and forcible sodomy in the list of acts which preclude readmission with a reference to any felony offense established under the statute chapters relating to sexual offenses or prostitution (§167.171) (HA19);
5. Changes the threshold of the value of the property involved in abuse of a person receiving health care in receiving health care. Currently it would be a class C felony unless the act involves no physical, sexual, or emotional harm or injury and the value of the property involved is less than \$150, in which case it is a class A misdemeanor. The proposal changes the dollar raises the \$150 to \$500 (§191.905);
6. Attempt to distribute, deliver, manufacture, or produce a controlled substance or possess with the intent to distribute, deliver, manufacture, or produce a controlled substances would be a class A felony and the term of imprisonment would be served without probation or parole, if the controlled substance is 30 grams or less of a substance which contains any quantity of substances having a stimulant effect on the central nervous system and any person under the age of 17 years is present during its manufacture or production or attempted manufacture or production. If the controlled substance is 5 grams or less of marijuana, and the person is distributing or delivering it, it is a class C felony. Trafficking drugs in the first degree is expanded to include the distribution, delivery manufacture, or production of more than 30 grams of any material containing a substance having a stimulant effect on the central nervous system if any person of the age of 17 years is present during the manufacture or production or the attempted manufacture or production (§§195.211 & 195.222);
7. Revises provisions relating to the arrest of a person paroled or on conditional release and probation officers' power to arrest (§§217.720 & 217.722) (HA21);
8. Changes the threshold for sale or possession of fish or wildlife. The crime will be a class A misdemeanor for the first offense if the sale amounts to less than \$500 (currently \$150), a class D felony for the second offense if the sale amounts to less than \$500 (currently \$150), and a class C felony if the sale amounts to \$500 or more (currently \$150) (§252.235);
9. Reduces from 45% to 35% the amount of fines and court costs from traffic violations on state highways that a city or village must send to the Department of Revenue. If the fines and court costs are not submitted to the department in a timely fashion, the city or village must submit to an annual audit by the State Auditor (§302.341) (HA28);
10. A certified report of all information relevant to the enforcement action shall be forwarded to the Department of Public Safety for all arrests related to driving while intoxicated. Driver license may be surrendered at the time the request for a hearing is made (§§302.510 & 302.530);

DESCRIPTION (continued)

11. Amends the right-of-way statute by imposing additional court costs and driver's license suspensions when the violation results in physical injury, serious physical injury, or death to any person (§394.351) (HA17);
12. Prohibits transportation of hazardous materials in or through any highway tunnel in the state or parking a vehicle containing hazardous materials within 300 feet of any highway tunnel. Violation would be a class B misdemeanor for the first offense and a class A misdemeanor for second and subsequent violations. Allows the Missouri State Water Patrol to close navigable waters due to an actual or imminent disaster. Operating a commercial vehicle transporting hazardous materials without required equipment would be a class A misdemeanor (§§304.370, 306.370 & 307.177) (HA2);
13. Requires a license for festivals expected to attract more than 500 people and adds raves to the list of events for which a license is required (§316.150) (HA6);
14. Provides regulations for pharmacists (§338.055);
15. Authorizes the attorney general to investigate the unlawful practice of using funds solicited by or on behalf of a charitable organization for an unlawful purpose (§407.472) (HA2);
16. Makes it unlawful to exercise unfair leverage when selling essential consumer merchandise during a consumer market disruption (§§407.760 & 407.762) (HA2);
17. Revises regulations for the surrender or transfer of custody of a minor child (§453.110);
18. Permits law enforcement officials to detain a person for 32 hours without charging a crime if the person has been arrested for any felony offense. Currently, a person who is arrested for specific felony offenses must be released within 24 hours unless charged with a crime (§544.170) (HA 18);
19. Adds an "attempt to commit" to the definition of a dangerous felony. Adds statutory rape and statutory sodomy of a child less than 12 years of age and abuse of a child to the definition of a dangerous felony (§556.061)(HA 8);
20. Creates new penalties for crimes of arson and discrimination involving churches and other houses of worship (§557.035);
21. Establishes the \$1,000 restorative justice provisions for some probationers (§§558.019 & 559.021);
22. Adds the failure to summon aid for a person whose death is caused by drugs to the crime of involuntary manslaughter in the first degree, if the person's death could have been avoided if aid were summoned (§ 565.024) (HA 16);
23. Provides there will be no SIS or SES for assaults on mass transit workers or passengers (§§565.050, 565.060, & 565.070);
24. Adds firefighters to the crimes of assault of a law enforcement officer (§§565.081, 565.082, & 565.083) (HA1);
25. Creates the crime of enticement of a child, a class D felony for the first offense and a class C felony for subsequent offenses (§565.151) (HA5);

DESCRIPTION (continued)

26. Creates new crimes relating to invasion of privacy (§§565.252 & 565.253);
27. Creates new crimes relating to tampering with prescription drugs (§565.350);
28. Expands the definition of sexual contact to include touching through the clothing and eliminates the exception in the crime of sexual misconduct in the first degree (§566.010. 566.090) (HA 10);
29. Increases the sentence from 5 to 10 years for forcible rape, attempted forcible rape, forcible sodomy, or attempted forcible sodomy, unless the actor inflicts serious physical injury or displays a deadly weapon, in which the sentence is increased from 10 to 15 years (§§566.030 & 566.060);
30. Increases the penalties for child molestation in the second degree and creates the crimes of child molestation in the third and fourth degrees (§§566.067, 566.068, 566.069, & 566.071) (HA 8);
31. Creates the class B felony of buying or selling, or attempting to buy or sell any person less than 18 years of age (§568.176) (HA 13);
32. Requires the offender to serve a minimum of 5 years for first degree robbery, second degree robbery, or stealing if the property taken was a vehicle and if the vehicle had a child in it at the time it was taken (§569.020) (HA 15);
33. Creates the crime of criminal water contamination, a class B felony (§569.072);
34. Changes the threshold for the crimes of tampering with computer data, tampering with computer users. The crimes would be a class A misdemeanor unless the value is \$500 or more (presently \$500 or more), in which case it would be a class D felony (§§569.095, 569.099);
35. Changes the threshold for the crime of tampering with computer equipment. The crime would be a class D felony if the value is \$500 or more (currently \$150 or more), if the damage is \$500 or more but less than \$750 (currently \$150 or more but less than \$1,000) it would be a class D felony, and if the damage is \$750 or greater (currently \$1,000 or greater) it would be a class C felony (§569.097);
36. Makes stealing ammonium nitrate a class C felony (§570.030) (HA2);
37. It would be a class C felony to possess, manufacture, transport, repair, or sell an explosive, incendiary or poison substance with the purpose to possess, manufacture or sell an explosive weapon (§571.020);
38. Defines “new and unused property” and details how the value of the property is determined (§§570.010 & 570.200);
39. Enhances the crime of stealing by adding altering receipts, price tags, and universal price code labels and makes stealing a class D felony if the value of the property or services is at least \$500 but less than \$750 (§570.030);
40. Creates the class C felony crimes of willfully taking another’s dog, knowingly purchasing a stolen dog, and removing an identification marker or tag from another’s dog. Requires the Department of Public Safety to create a registry of missing or stolen dogs, which

DESCRIPTION (continued)

- would be placed on the internet (§§570.033, 570.035) (HA31);
41. Changes crime of unlawful possession of concealable firearm to unlawful possession of a firearm (§571.070) (HA22);
  42. Makes receiving stolen property a class A misdemeanor unless the property has a value of at least \$500 (currently \$150) but less than \$750, in which case it is a class D felony. If the property has a value of \$750 or more, it is a class C felony (§570.080);
  43. Alteration or removal of item numbers would be a class D felony if the value is \$500 or more (currently \$150). If the value is less than \$500, then it would be a class A misdemeanor (Currently a class B misdemeanor if the value is less than \$150) (§570.085);
  44. Forgery would include altering receipts and universal product codes (§570.090);
  45. Passing a bad check would be a class D felony if the face amount of the check or aggregated amounts is \$500 or more (currently \$150). Passing a bad check does not include a postdated check with the understanding that the payee will not present it for payment until a later date. The prosecuting attorney or circuit attorney would collect a reasonable service charge, which shall be turned over to the party to whom the bad check was issued (§570.120);
  46. Fraudulently stopping payment of an instrument would be a class D felony if the face amount is \$500 or more (currently \$150 or more) (§570.125);
  47. Expands crime of fraudulent use of a credit device or debit device to include the use for the purpose of paying property taxes and cancelling the charge or payment. The crime would be a class D felony if the tax or value is \$500 or more (currently \$150 or more) (§570.130);
  48. Library theft would be a class D felony if the value is \$500 or more; otherwise a class A misdemeanor. Currently a class C felony if the value is \$150 or more; otherwise a class C misdemeanor (§570.210);
  49. Theft of cable television service would be a class D felony if the value is \$500 or more (currently a class C felony if the value is \$150 or more) (§570.300);
  50. Making a terroristic threat would be a class C felony unless it is done with reckless disregard of the risk of causing evacuation, quarantine, or closure of any portion of a building, in which case it would be a class D felony or unless it is done with criminal negligence with regard to the risk of causing the evacuation, quarantine, or closure of a building, in which case it would be a class A misdemeanor (§574.115) (HA2);
  51. The crime of resisting or interfering with arrest is expanded to include stop or detention. Resisting an arrest or fleeing would be a class D felony if it resulted in risk of serious physical injury or death to any person (§575.150);
  52. Supporting terrorism would be a class C felony (§576.080) (HA2);
  53. Requires Department of Revenue to expunge certain records relating to alcohol-related offenses (§577.054) (HA23);

DESCRIPTION (continued)

54. Current law requires individuals who plead or are found guilty of a second or subsequent intoxication-related traffic offense to have an ignition interlock device installed in their vehicle. This proposal would give the court the discretion to order the installation of the ignition interlock device for second or subsequent offenses. The bill would also prohibit the Department of Revenue from suspending or revoking the driver's license of a person who pleads guilty or who is found guilty of a first or second intoxication-related traffic offense and who is required to use an ignition interlock device (§577.600) (HA26);
55. Agroterrorism would be expanded to include the spread of disease among crops and poultry (§578.008) (HA2);
56. Failure to return leased or rented property would be a class D felony if the value is \$500 or more (currently a class C felony if the value is \$150 or more) (§578.150);
57. Unlawfully receiving or transferring food stamp coupons or ATP cards would be a class A misdemeanor if the value is less than \$500 (currently less than \$150), otherwise would be a class D felony (§§578.377 & 578.381);
58. Perjury involving an application to obtain public assistance would be a class D felony unless the value is less than \$500 (currently less than \$150), in which case it is a class A misdemeanor (§578.385);
59. Prohibits photographing or videotaping from within an animal facility without the written consent of the facility. Violation would be a class D felony. Prohibits the intentional release or introduction of any pathogen or disease in or near an animal facility. Penalties range from a misdemeanor if the loss is less than \$300, and progress to a class B felony for damage in excess of \$100,000 (§§578.405 & 578.409) (HA7);
60. Revises circumstances in which a person would be eligible for crime victim compensation (§§595.010, 595.020, & 595.030);
61. Exempts certain documents detailing plans or proposals for protection from and in response to domestic terrorism from the sunshine laws (§610.021) (HA 11);
62. Revises provisions pertaining to qualifications and disqualifications of employees of the Department of Mental Health and the Department of Health and Senior Services (§§630.140, 630.167, 630.170, 660.317) (HA30);
63. Requires the Department of Public Safety to include a separate data base of DNA profiles of persons whose identity is unknown. The DNA profiling system could charge a reasonable fee to provide a comparative DNA analysis to any law enforcement agency outside the state (§650.050);
64. Requires DNA sample to be taken convicted or plead guilty of certain offenses (§650.055);
65. Allows law enforcement agency from obtaining saliva sample for the purpose of obtaining a DNA sample as part of the normal booking process for felony arrests (§650.057) (HA 12);
66. Creates the class A misdemeanor of dancing in a cabaret if the person is less than 21

DESCRIPTION (continued)

- years of age (Section 1);
67. Creates the crime of assault of an athletic event participant, a class A misdemeanor unless a deadly weapon is used, serious physical injury occurs, or committed while in an intoxicated condition, in which cases it would be a class D felony (Section 2);
68. Prevents any person who has been convicted or pled guilty to a felony from entering into any contracts with the state for three years (Section 4);
69. Creates the crime of assault while on the property of a hospital emergency room or trauma center, a class D felony (Section 5);
70. Prohibits cloning a human being, a class B felony (Section 6); and
71. Prevents possession of a firearm to who are subject to certain court orders or who have been convicted of certain crimes. Violation would be a class A misdemeanor (Section 7) (HA29).

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Prosecution Services

Department of Corrections

Department of Public Safety

- Missouri State Highway Patrol
- Missouri State Water Patrol
- Division of Fire Safety
- Capitol Police
- Division of Highway Safety
- Director's Office

Department of Economic Development

- Division of Professional Registration

Department of Social Services

Office of Secretary of State

Department of Elementary and Secondary Education

Department of Natural Resources

Office of Administration

- Division of Purchasing and Materials Management
- Commissioner's Office

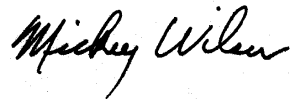
Department of Agriculture

Department of Health and Senior Services

Office of the Governor  
SOURCES OF INFORMATION (continued)

Office of State Courts Administrator  
Department of Labor and Industrial Relations  
Department of Revenue  
Department of Transportation  
Jackson County Prosecuting Attorney's Office

**Not Responding:** Office of State Public Defender

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Acting Director

April 25, 2002